UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,689	06/06/2007	Martin Backstrom	3772-35	4776

23117   7590   02/05/2010

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
DOAN, PHUOC HUU

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
02/05/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>17-32</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>17-32</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on <u>05 September 2006</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on 09/05/2006

is in compliance with the provisions of 37 CFR 1.97. Accordingly, the

information disclosure statement is being considered by the examiner.

Drawings

2.   The drawings were received on 09/05/2006. These drawings are

acceptable.

Response to Arguments

3.   In response to the Applicant's remark field on 09/05/2006. The claims

17-32 will be examination.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent granted

on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

<u>Claims 29, and 32 are rejected under 35 U.S.C. 102(e) as being</u>

<u>anticipated by Saidi (US Pub No: 2005/0044256)</u>.

As to claim 29, Saidi discloses a mobile terminal (Fig. 3, item 302)

for use in a communication network offering a push to talk service to

subscribers (par [0016-0017] "**a group communication system 100 is also**

known as a push to talk (PTT) system"), the terminal comprising: a

receiver (a receiver 210, 212, 222) for receiving speech data from a terminal

user (Fig. 2, par [0023] "which formats and encodes the data and messages

with one or more coding schemes"); and a processor (230) for, following

initiation of a push to talk session (par [0031, 0037] "before the initial media

activity") but prior to receipt by the mobile terminal of a session acceptance

from a receiving terminal (par [0037] "**before the media is transmitted**

over the network"), removing a period of silence from the speech data prior

to transmission to the or each other terminal participating in the session (par

[0037] "**suppressed before the media is transmitted**").

As to claim 32, Saidi further discloses a terminal according to claim

29, wherein the receiver (210, 212, and 222) comprises means for receiving

speech data over an interface link to said communication network (Fig. 2,

item 208), the speech data having been generated at a peer mobile terminal

(Fig. 3, Numerals 304, 306").

As to claim 30, Saidi further discloses a terminal according to claim

29, the terminal being a wireless terminal and the communication network

being a cellular telephone network offering a Push to talk Over Cellular

service (par [0016-0017] "a group communication system 100, and 104, 106

which may be deployed such as cdma200 handset").

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Saidi in view of Schroderus (US Pub No: 2003/0223381).

As to claim 31, Saidi does not disclose the receiver comprises means

for converting speech into an analogue or digital electrical signal.

Schroderus discloses that the receiver 302 comprises means for converting

speech into an analogue or digital electrical signal (par [0052] "the analogue

speech signal processed in associated an analog to digital (A/D), and vo-

encoding, vo-decoding for converting").

It would have been obvious to one having skilled in the art at the time the

invention was made to include the A/D converter of Schroderus to the

terminal of Saidi in order to use the device in the digital communication

system.

6.   **Claims 17-18, 20-21, and 25-27 are rejected under 35 U.S.C.**

103(a) as being unpatentable over Saidi in view of Harris (US Pub No:

2003/0115045).

As to claim 17, Saidi discloses a method of processing user speech

data at a processing entity for transmission to a participant or participants in

a push to talk session over a communications network (Fig. 1, par [0016-

0017] **"a group communication system 100 is also known as a push to**

talk (PTT) system"), the method comprising: following initiation of a push

to talk session (par [0031, 0037] "before the initial media activity"), but

prior to receipt by the entity of a session acceptance from the or each

participant (par [0037] **"before the media is transmitted over the**

network"); and removing an initial period of silence from the speech data

prior to sending the speech data to a receiving terminal of the or each other

participant (par [0037] "**suppressed before the media is transmitted**").

Saidi does not disclose analyzing the speech data to identify an initial period

of silence.

But, Harris discloses that silence frames can be identified in a PTT

communication (par [0011]). It would have been obvious to one having

skilled in the art at the time the invention was made to include the silence

detection of Harris into the PTT communication of Saidi so that silence

frames do not need to be actually sent.

As to claim 18, Saidi further discloses method according to claim 17,

wherein said speech data is an initial speech burst provided by the initiating

party of the push to talk session (par [0037] "initial media spurt, may be

suppressed before the media is transmitted over the network").

As to claim 20, Harris further discloses a method according to claim

17, wherein said step of analyzing the speech data to identify an initial

period of silence is carried out at a terminal of the initiating party or a node

within the communication network (par [0011] "MS 101 has depressed the

PTT to the other dispatch users of the talk-group in wireless communication

with FNE 110").

As to claim 21, Saidi further discloses a method according to claim

17, wherein the step of removing an initial period of silence from the

transmitted speech data is carried out at a terminal of the initiating party or a

node within the communication network (par [0037]).

As to claim 25, Saidi further discloses a method according to claim

17, further comprising predefining an initial period expected to contain

silence, and clipping the start of the speech data remove the predefined

period (Fig. 5, par [0040-0041] " predefined period based on number of

frame is suppressed").

As to claim 26, Saidi further discloses a method according to claim

25, wherein the predefined period is fixed or is adapted in dependence upon

subscriber behaviour (par [0038] "three initial silence frames").

As to claim 27, Saidi discloses a server node (Fig. 3, item 308) for

use in a communication network offering a push to talk service to

subscribers (302, 304, 306), the node comprising: inherently a receiver for

receiving a speech burst from a participant in a push to talk session (Fig. 3;

par [0030] "**Numerals 302, 310, 308**"), and a processor (**230 of the PTT**

subscriber 206) for, following initiation of a push to talk session but prior to

receipt by the network of a session acceptance from a receiving participant

(par [0031, 0037] "**before the initial media activity**"); and removing the

detected period of silence from the speech data prior to transmission to the

or each other participant in the session (par [0037] "**suppressed before the**

media is transmitted"). Saidi does not disclose analyzing the speech data to identify an initial period of silence.

But, Harris discloses that silence frames can be identified in a PTT communication (par [0011]). It would have been obvious to one having skilled in the art at the time the invention was made to include the silence detection of Harris into the PTT communication of Saidi so that silence frames do not need to be actually sent. Harris et al also teach that a server FNE can be used to remove the silent frames (par [0013]).

7.   **Claims 19, 22-23, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saidi in view of Harris (US Pub No: 2003/0115045) and further in view of the Admitted Prior Art of the present invention, Page 1, lines 10-32.**

As to claim 19, Saidi and Harris do not disclose that said communication network is a cellular telephone network and the push to talk service is a Push to talk Over Cellular service. The admitted prior art teaches that said communication network is a cellular telephone network and the push to talk service is a Push to talk Over Cellular service (Page 1; lines 10-15). It would have been obvious to one having skilled in the art at the time

the invention was made to include the Push to talk Over Cellular service into

the system of Saidi in order apply the PTT in the 3G network.

As to claim 22, the Admitted Prior Art discloses that the network

node is a Media Resource Function node (Page 1; lines 30-32).

As to claim 23, the Admitted Prior Art discloses that the network

node is located within an IP Multimedia Subsystem (IMS) (Page 1; lines 29-

30).

As to claim 28, Saidi and Harris do not disclose arranging to be

located within an IP Multimedia Subsystem of a cellular telephone

communications network, the node having an interface to one or more

Session Initiation Protocol (SIP) servers including a Serving Call Session

Control Function (S-CSCF) server. The admitted prior art discloses

arranging to be located within an IP Multimedia Subsystem of a cellular

telephone communications network, the node having an interface to one or

more Session Initiation Protocol (SIP) servers including a Serving Call

Session Control Function (S-CSCF) server (Page 1, lines 10-32). It would

have been obvious to one having skilled in the art at the time the invention

was made to include the Push to talk Over Cellular service into the system of

Saidi in order apply the PTT in the 3G network.

8. **Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saidi in view of Harris (US Pub No: 2003/0115045) and further in view of Doran (US Pub No: 2004/0121812).**

As to claim 24, Saidi and Harris do not disclose further comprising monitoring the audio level to determine when speech has started.

But, Doran discloses monitoring the audio level to determine when speech has started (par [0014]). It would have been obvious to one having skilled in the art at the time the invention was made to include the speech recognition of Doran into the system of Saidi in order to detect the beginning of speech.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC DOAN whose telephone number is (571)272-7920. The examiner can normally be reached on 10:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

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system, see http://pair-direct.uspto.gov. Should you have questions on access

to the Private PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUOC DOAN/
Examiner, Art Unit 2617